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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,989	07/26/2000	Timothy Joel Brown	05156.00011	8486
22909	7590	04/20/2005	EXAMINER	
BANNER & WITCOFF, LTD. 1001 G STREET, N.W. WASHINGTON, DC 20001-4597			HO, ANDY	
			ART UNIT	PAPER NUMBER
			2194	
DATE MAILED: 04/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/625,989	BROWN, TIMOTHY JOEL	
	Examiner	Art Unit	
	Andy Ho	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>10/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed 11/1/2004.
2. Claims 1-10 have been examined and are pending in the application.

Claim Objections

3. Claim 1 is objected to because of the following informalities: the phrase "...said that allows a user to..." (line 8 claim 1) should be read as "...that allows a user to...". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin U.S Patent No. 5,864,338 in view of Li U.S Patent No. 6,519,594.

As to claim 1, Austin teaches a method for using a digital asset management system (a data source or data target, line 25 column 15) with a client application (graphical program, line 20 column 13; ...graphical programs may execute on any of various types of computer systems and may perform or control any of various types of operations, processes, or computations. In some embodiments, a graphical program

Art Unit: 2194

may be utilized to perform an instrumentation or test and measurement application or an industrial automation application..., lines 48-53 column 9), comprising:

- initializing a digital asset management system (a data source or data target, line 25 column 15);

- initializing an interface application (DataSocket extension or plug-in, lines 54-55 column 25) that provides an interface between the client application and the digital asset management system;

- creating a floating pallet (data access node within a palette, lines 21-25 column 15) that allows a user to

- identify a digital asset managed by the digital asset management (...the user desires to configure the data access node, e.g., when the user selects the data access node for configuration..., lines 21-23 column 20) and

- transfer the digital asset to a client application using the interface (acquire data from the data source and provide the data to the other nodes in the graphical program, lines 34-35 column 6), wherein the floating pallet uses the properties and behaviors of the client application (the data access node of the palette is operated within the client application, lines 9-34 column 14). Austin does not explicitly teach interface between plurality of client applications and the digital asset management system.

Li teaches a system wherein creating an extension plug in (JavaLayer Class Manager 270, line 11 column 8) to interface with API (API 125 is associated with a JVM 130; only one application is resident for a particular JVM 130, lines 34-36 column 6) of a

Art Unit: 2194

plurality of applications (Java applications 256-258, lines 20-21 column 8; JVMs 251-253, line 23 column 8), the plug-in communicates (all classes 290-296 are managed by JCM 270 which manages the memory pool 280 of class cells that hold all class memory, lines 42-44 column 8) with a digital asset management system (the shared memory pool 280 is an area of memory that is established for storing Java classes and other information to be shared across multiple JVMs which are running simultaneously on system 112, lines 15-18 column 8). It would have been obvious to apply the teachings of Li to the system of Austin because by using a single software module to interface with APIs of multiple applications in a shared resources system, the system could minimize the memory usage.

As to claim 2, Austin as modified further teaches using the floating pallet to request a search of digital assets (80 and 82, Fig. 5) using user entered search criteria (510, Fig. 6); transferring the search criteria (84, Fig. 5) to the digital asset management system; performing the search (86, Fig. 5); creating, transferring and displaying the results (select data sources from the list, lines 53-54 column 5).

As to claim 3, Austin as modified further teaches the interface application mimics the operation of a plug-in module (DataSocket extension or plug-in, lines 54-55 column 25) for each of the client applications.

As to claim 4, Austin as modified further teaches the interface application employs API (end-user application programming interface API, lines 51-52 column 6) of an operating system for the client applications to interact.

As to claim 5, LI further teaches intercepts calls from the client applications and redirect these calls (Fig. 9).

As to claim 6, LI further teaches changing an address in a stub library to redirect calls (lines 22-29 column 8).

As to claim 7, it is a method claim of claim 3. Therefore, it is rejected for the same reasons as claim 3 above.

As to claim 8, Austin as modified further teaches indicating when a digital asset has been transferred to the client application (display the data, line 58 column 16).

As to claim 9, Austin as modified further teaches the asset management system launches the floating pallet in a user interface of the client application (palette of the user interface in Fig. 7).

As to claim 10, Austin as modified further teaches detecting when the client application initialized, initializing the digital management system (lines 29-43 column 5).

Response to Arguments

5. Applicant's arguments filed 11/1/2004 have been fully considered but they are not persuasive.

Applicant argued that Austin does not teach a floating pallet (Remarks, first complete paragraph page 6). In response, the claim language of the patent application simply claims a floating pallet that allows a user to identify a digital asset and transfer it to the client application. Austin clearly teaches data access node within a palette that allows the user to retrieve data (lines 9-46 column 14); moreover, the user could

configure the data access node for accessing the desired data (lines 19-26 column 20).

The reference meets the limitation as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.
- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

A.H
April 15, 2005



SUE LAO
PRIMARY EXAMINER